

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

TIMOTHY RAY SHREWSBURY,

Plaintiff,

v.

CIVIL ACTION NO. 5:21-cv-00576

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

Pending is Plaintiff's Complaint for Review of the Decision of the Commissioner of Social Security [Doc. 2], filed October 27, 2021. This action was previously referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Eifert issued a Show Cause Order on February 1, 2022, ordering Plaintiff to show cause by February 15, 2022, as to why service had not been properly effected on Defendant. [Doc. 6]. Plaintiff failed to respond. Magistrate Judge Eifert filed her PF&R on March 8, 2022. [Doc. 7]. Magistrate Judge Eifert recommended that the Court dismiss the Complaint without prejudice, and remove this action from the Court's docket.

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*"") (emphasis added). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's

right to appeal the Court's order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (parties may not typically “appeal a magistrate judge’s findings that were not objected to below, as § 636(b) doesn’t require de novo review absent objection.”); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on March 25, 2022. No objections were filed.

Accordingly, the Court **ADOPTS** the PF&R [**Doc. 7**], **DISMISSES** the Complaint without prejudice [**Doc. 2**], and **DISMISSES** the matter.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTER: April 5, 2022



Frank W. Volk
United States District Judge